

South Carolina Department of Health and Environmental Control  
Office of Ocean and Coastal Resource Management  
104 Parker Drive  
Beaufort, South Carolina 29906

and

Charleston District, Army Corps of Engineers  
69-A Hagood Avenue  
Charleston, South Carolina 29403

**April 7, 2014**  
**Joint Permit Amendment Public Notice**

***Simmons Family Holdings, LLC, 1994-10202-1W(12)***

The Department has received an application for a permit for the alteration of a critical area. The application was submitted pursuant to the Coastal Zone Management Act (Act 123) of 1977 South Carolina General Assembly. The application in brief, is described as follows:

**LOCATION:** On and adjacent to Broad Creek at 11 Simmons Road, Hilton Head Island, Beaufort County, South Carolina.  
TMS: R510 011 000 0007 0000.

**WORK:** The permittee has requested an amendment to the issued permit. Specifically, the permittee proposes to add an 8' x 60' floating dock channelward of the existing structure and add two, 6-pile dolphins ebbtide of the proposed floating dock. The amendment is for modifications at an existing commercial dock.

This public notice is being distributed to all known interested persons and agencies to assist in developing facts on which a decision by the Department can be based. Comments concerning the proposed work must be submitted in writing, setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

Comments regarding this application must be received by the Department on or before **April 22, 2014**. For more information, please contact:  
**Paul Wojoski at 843-846-9400 or via email at [wojoskpa@dhec.sc.gov](mailto:wojoskpa@dhec.sc.gov).**

**NOTE:** Plans depicting the proposed work are available and will be provided upon receipt of a written request or may be viewed on the Department website at [www.scdhec.gov/environment/ocrm/public\\_notice.htm](http://www.scdhec.gov/environment/ocrm/public_notice.htm).

**JOINT  
PUBLIC NOTICE  
FOR PERMIT MODIFICATION**

**CHARLESTON DISTRICT, CORPS OF ENGINEERS  
69A Hagood Avenue  
Charleston, South Carolina 29403-5107  
and the  
S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL  
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT  
1362 McMillan Avenue, Suite 400  
Charleston, South Carolina 29405**

**REGULATORY DIVISION**

Refer to: SAC #1994-10202-1W, formerly P/N 94-1D-071

3 APRIL 2014

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Section 401 of the Clean Water Act (33 U.S.C. 1344), and the South Carolina Coastal Zone Management Act (48-39-10 et seq.) an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

**MR. CHARLES SIMMONS  
SIMMONS FAMILY HOLDINGS, LLC  
c/o MR. MARK RENEW  
SEA ISLAND LAND SURVEY  
4D MATHEWS COURT  
HILTON HEAD ISLAND, SC 29926**

for a modification to an existing permit to add two additional dolphins, a ramp and a floating dock to an existing commercial dock in waters of

**BROAD CREEK**

at a location adjacent to 11 Simmons Road off of Marshland Road on Hilton Head Island, Beaufort County, South Carolina (Latitude 32.184202°, Longitude -80.756032°)

In order to give all interested parties an opportunity to express their views

**NOTICE**

is hereby given that written statements regarding the proposed work will be received by the Corps until

**15 days from the date of this notice**

from those interested in the activity and whose interests may be affected by the proposed work.

REGULATORY DIVISION

Refer to: SAC #1994-10202-1W, formerly P/N 94-1D-071

3 APRIL 2014

The proposed (new) work consists of the construction of an additional floating dock (8' x 60') and walkway (4' x 22'), and the construction of two six pile dolphins as shown on the attached sheets 2, 3 and 4 of 4.

The purpose of the project is to expand the existing facility by adding the floating docking to add space for kayak launching and retrieval and for the protection of the dock from boat/barge traffic.

Please note: An after-the-fact permit modification was issued to Mr. Simmons on February 4, 2014, to authorize the existing boat lift and 266 square foot floating dock. In addition, this modification authorized the installation of one six piling dolphin.

**NOTE:** Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the

**U.S. Army Corps of Engineers  
ATTN: REGULATORY DIVISION  
69A Hagood Avenue  
Charleston, South Carolina 29403-5107.**

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards. The work shown on this application must also be certified as consistent with applicable provisions the Coastal Zone Management Program (15 CFR 930). The District Engineer will not process this application to a conclusion until such certifications are received. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact 0.02 additional acres of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

The District Engineer has consulted the most recently available information and has determined that the project will have no effect on any Federally endangered, threatened, or proposed species and will not result in the destruction or adverse modification of designated or

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proposed critical habitat. This public notice serves as a request to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for any additional information they may have on whether any listed or proposed endangered or threatened species or designated or proposed critical habitat may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended).

Pursuant to Section 106 of the National Historic Preservation Act (NHPA), this public notice also constitutes a request to Indian Tribes to notify the District Engineer of any historic properties of religious and cultural significance to them that may be affected by the proposed undertaking.

In accordance with the NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. To insure that other cultural resources that the District Engineer is not aware of are not overlooked, this public notice also serves as a request to the State Historic Preservation Office to provide any information it may have with regard to historic and cultural resources.

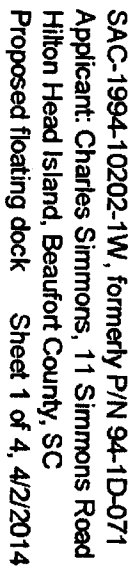
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

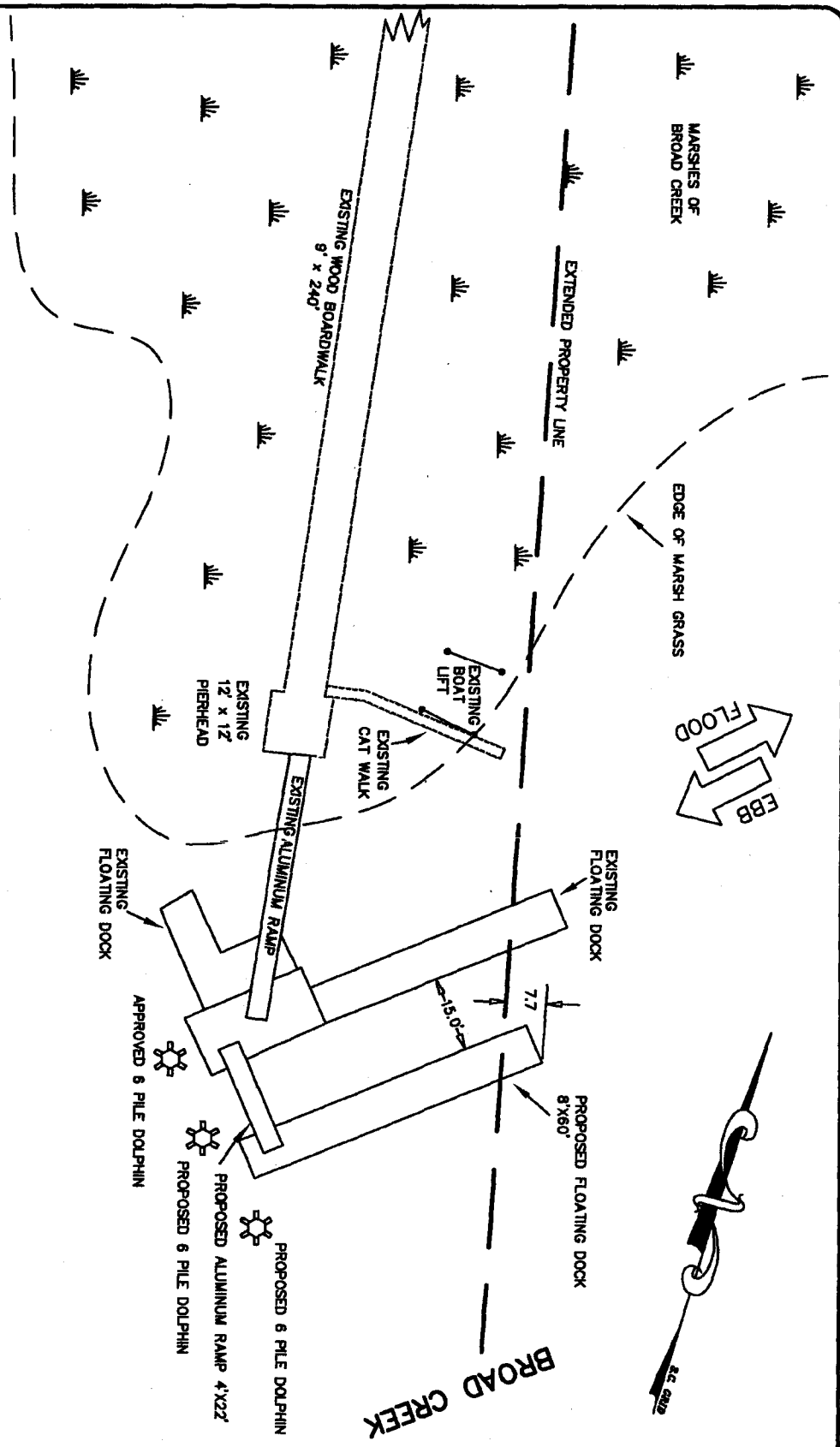
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps of Engineers cannot undertake to adjudicate rival claims.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

If there are any questions concerning this public notice, please contact Debbie King at 843-329-8044 or toll free at 1-866-329-8187.

Paul Wojoski  
SUDHEZ - ECRM  
843-846-9400





AMENDMENT TO PERMIT #1994-10202-1W(12)

<b>APPLICANT</b> CHARLES SIMMONS P.O. BOX 22944 HILTON HEAD ISLAND SC, 29925		<b>LOCATION</b> #11 SIMMONS ROAD PORTION OF PARCEL 7, HILTON HEAD ISLAND SC, 29926 BEAUFORT COUNTY, SOUTH CAROLINA	
<b>ADDRESS:</b> P.O. BOX 22944 HILTON HEAD ISLAND SC, 29925		<b>LEGAL:</b> #11 SIMMONS ROAD PORTION OF PARCEL 7, HILTON HEAD ISLAND SC, 29926 BEAUFORT COUNTY, SOUTH CAROLINA	
<b>DATE:</b> SEPTEMBER 16, 2013		<b>TAX PARCEL #:</b> R510 011 000 0007 0000	
<b>WATERBODY:</b> BROAD CREEK			

SOUTH CAROLINA  
SEA ISLAND LAND SURVEY  
NOTICE OF AUTHORIZATION  
No. C02180

SOUTH CAROLINA  
PROFESSIONAL ENGINEER  
MARK R. KELSEY  
25437

**PLAN VIEW**

**PROPOSED FLOATING DOCK**

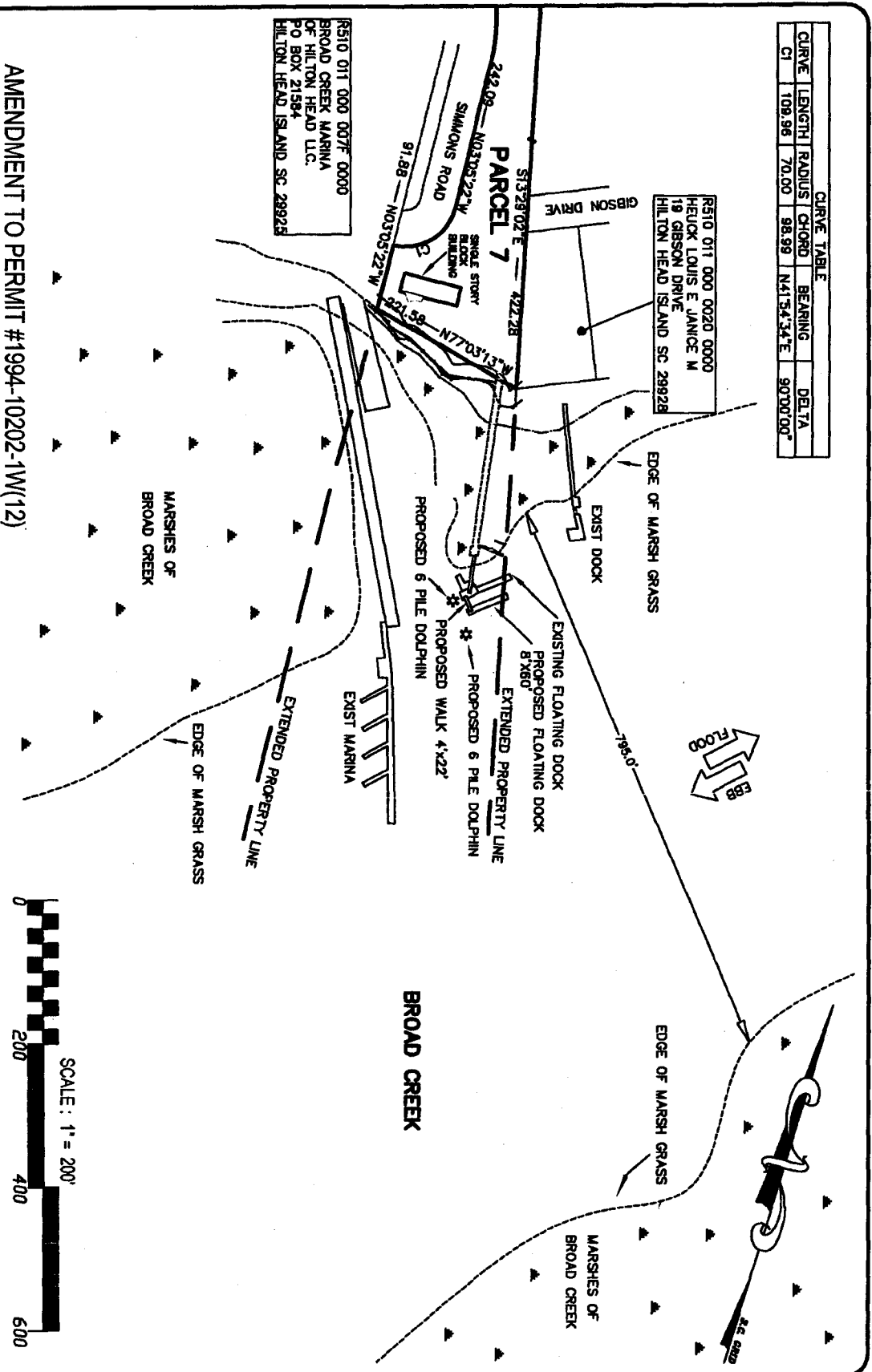
SHEET 3 of 4 Sheets

SCALE: 1" = 30'

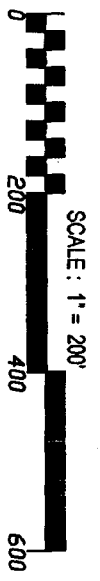
**SL** Sea Island Land Survey, LLC.  
 40 Matthews Court, Hilton Head Island, SC 29926  
 Tel (843) 681-3248  
 Fax (843) 686-3871  
 E-mail: sls@slsnytel.com

FILE No.: 02350/6 DWG No.: 5-1583REV

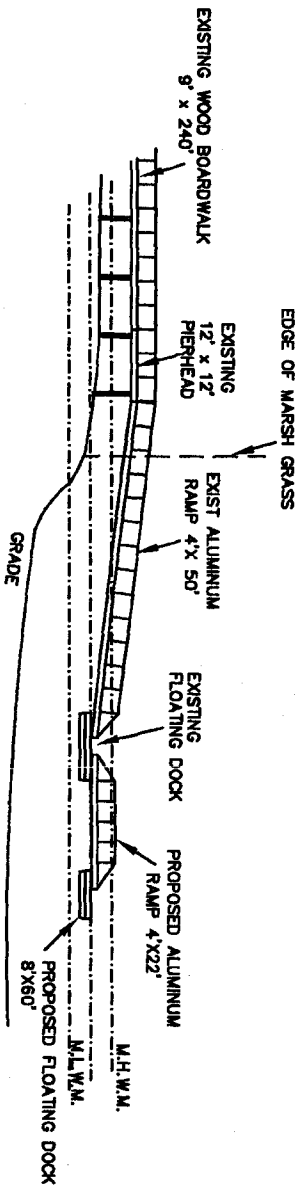
CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA
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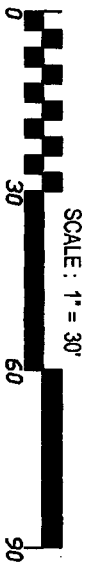
AMENDMENT TO PERMIT #1994-10202-1W(12)



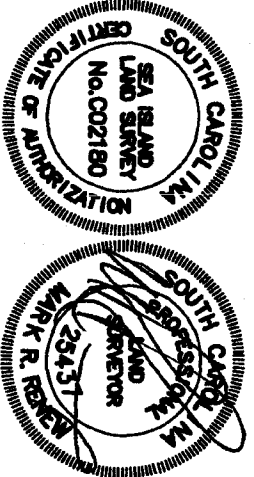
<b>APPLICANT</b> CHARLES SIMMONS ADDRESS: P.O. BOX 22944 HILTON HEAD ISLAND SC, 29925 DATE: SEPTEMBER 16, 2013 WATERBODY: BROAD CREEK		<b>LOCATION</b> ADDRESS: #11 SIMMONS ROAD PORTION OF PARCEL 7, HILTON HEAD ISLAND SC, 29926 BEAUFORT COUNTY, SOUTH CAROLINA TAX PARCEL #: R510 011 000 0007 0000			
<b>SITE PLAN</b> PROPOSED FLOATING DOCK SHEET 2 of 4 Sheets					



AMENDMENT TO PERMIT #1994-10202-1W(12)



APPLICANT	LOCATION
CHARLES SIMMONS P.O. BOX 22944 HILTON HEAD ISLAND SC, 29925	#11 SIMMONS ROAD PORTION OF PARCEL 7, HILTON HEAD ISLAND SC, 29926
DATE: SEPTEMBER 16, 2013	BEAUFORT COUNTY, SOUTH CAROLINA
WATERBODY: BROAD CREEK	TAX PARCEL #: R510 011 000 0007 0000



**SIDE VIEW**

**PROPOSED FLOATING DOCK**

SHEET 4 of 4 Sheets

**SIS** Sea Island Land Survey, LLC.  
4D Mathews Court, Tel (843) 681-3248  
Hilton Head Island, Fax (843) 689-3871  
SC 29926 E-mail: sis@splynat.com  
FILE No.: 023506 DWG No.: 5-1583REV